IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.25825 of 2008
ANANDI KUMAR @ ANANDI YADAV
Versus
THE STATE OF BIHAR
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3 24/9/2008. Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner was granted anticipatory bail on 12.01.2006 in Cr. Misc. No. 31208 of 3005 during the period of investigation with the direction that if chargesheet be submitted he shall be required to surrender and seek regular bail. Simultaneously by the same order petitioners in Cr.Misc. No.33175/05 Ranjana Devi and her husband Nityanand Yadav were allowed relief on similar basis.

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Learned counsel for the petitioner renews the prayer for anticipatory bail after submission of charge-sheet. He submits that notwithstanding the observation made on 12.1.2006 Ranjana Devi and her husband Nityanand Yadav have been granted anticipatory bail by this Court after submission of charge-sheet in Cr.Misc.No.3048/07.

In so far as Ranjana Devi is concerned, it appears that this Court re-considered her prayer notwithstanding its earlier observation on 12.1.2006 in view of the peculiar circumstances of a one year old child

in her lap. The order granting anticipatory bail on 3.4.2007 to Nityanand Yadav was obviously a error in view of the specific direction of this Court in the earlier order dated 12.1.1008.

If the Court committed an error, there shall be no justification for the Court to continue with the error to accept the submission that similar treatment should be given to the petitioner also.

The application is **dismissed**. If an application for regular bail is preferred by the petitioner, the same shall be considered by the court below on its own merits on the basis of materials collected with regard to the petitioner including the submission of only omnibus allegation against him as also the materials against Nityanand Yadav who had been granted anticipatory bail by this Court after submission of charge-sheet, without being prejudiced by the present order.

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KC **(Navin Sinha,J)**